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August 21, 2019

ESNA Enterprises, Inc. 500 S Acacia Ave Fullerton, CA 92831	ESNA Enterprises, Inc. c/o Frederick E. Akers, Agent for Service of Process 500 S Acacia Ave Fullerton, CA 92831
ESNA Enterprises, Inc. dba ESNA Logistics dba LA SARGE Warehouse and Distribution 500 S. Acacia Avenue Fullerton, CA 9283	ESNA Enterprises, Inc. Attn: General Counsel 500 S Acacia Ave Fullerton, CA 92831
Administrator U.S. Environmental Protection Agency Mail Code: 1101A 1200 Pennsylvania Avenue, N.W. Washington, DC 20460	Executive Officer Regional Water Quality Control Board Santa Ana Region 3737 Main Street, Suite 500 Riverside, CA 92501-3348
Regional Administrator U.S. EPA, Region 9 75 Hawthorne Street San Francisco, CA 94105	Executive Director State Water Resources Control Board 1001 I Street Sacramento, CA 95814

Re: Notice of Violation and Intent to File Suit under the Clean Water Act

To Whom It May Concern:

Brodsky & Smith, LLC ("Brodsky Smith") represents [redacted] a citizen of the State of California. This letter is to give notice that Brodsky Smith, on [redacted] behalf, intends to file a civil action against ENSA Enterprises, Inc. dba ESNA Logistics dba LA SARGE Warehouse and Distribution (hereinafter "ESNA") for violations of the Federal Water Pollution Control Act, 33 U.S.C. § 1251 *et seq.* ("Clean Water Act" or "CWA") at ESNA's facility located 500 S. Acacia Ave., Fullerton, CA 92831 (the "Facility").

[redacted] is a citizen of the State of California who is concerned with the environmental health of the Coyote Creek and the San Gabriel River, uses and enjoys the waters of the Coyote Creek and San Gabriel River, their inflows, and other areas of the overall San Gabriel River Watershed, of which the Coyote Creek is a part. [redacted] use and enjoyment of these waters are negatively affected by the pollution caused by ESNA's operations. Additionally, [redacted] acts in the interest of the general public to prevent pollution in these waterways, for the benefit of their ecosystems, and for the benefits of all individuals and communities who use these waterways for various recreational, educational, and spiritual purposes.

This letter addresses ESNA's unlawful operation of a "Light Industry" facility[1] without proper coverage under General Permit No CAS000001 [State Water Resources Control Board] Water Quality Order No. 2014-0057-DWQ (the "Industrial Stormwater Permit").[2] Furthermore, by operating in violation of the Industrial Stormwater Permit, ESNA's Facility discharges stormwater, which likely contains pollutants from the Facility's industrial activities, via indirect flow into the Coyote Creek, San Gabriel River, and the overall San Gabriel River Watershed. Specifically, investigation of the Facility has uncovered significant, ongoing, and continuous violations of the CWA and the National Pollutant Discharge Elimination System ("NPDES") General Permit No CAS000001 [State Water Resources Control Board] Water Quality Orders No. 2014-0057-DWQ (the "Industrial Stormwater Permit").[3]

CWA section 505(b) requires that sixty (60) days prior to the initiation of a civil action under CWA section 505(a), a citizen must give notice of his or her intent to file suit. 33 U.S.C. § 1365(b). Notice must be given to the alleged violator, the U.S. Environmental Protection Agency ("EPA"), and the State in which the violations occur. As required by section 505(b), this Notice of Violation and Intent to File Suit provides notice to ESNA of the violations that have occurred and which continue to occur at the Facility. After the expiration of sixty (60) days from the date of this Notice of Violation and the Intent to File Suit, Ramos Rodriguez intends to file suit in federal court against ESNA under CWA section 505(a) for the violations described more fully below.

During the 60-day notice period, Personal privacy Ex. (b)(6) is willing to discuss effective remedies for the violations noticed in this letter. We suggest that ESNA contact Personal privacy Ex. (b)(6) attorneys at Brodsky & Smith within the next twenty (20) days so that these discussions may be completed by the conclusion of the 60-day notice period. Please note that we do not intend to delay the filing of a complaint in federal court, and service of the complaint shortly thereafter, even if discussions are continuing when the notice period ends.

I. THE LOCATION OF THE ALLEGED VIOLATIONS

A. The Facility

ESNA's Facility is located at 500 S Acacia Blvd., Fullerton, CA 92831. At the Facility, ESNA operates as a large multi-temperature controlled & multi-licensed warehousing space, suitable for food grade storage. The Facility's industrial activities fall under Standard Industrial Classification ("SIC") Code 4222, relating to Refrigerated Warehousing and Storage, and SIC Code 4225 related to General Warehousing Storage placing it in Category 2, Manufacturing Facilities, required to obtain coverage under the Industrial Stormwater Permit. *See*, Industrial Stormwater Permit, Attachment A, Category 2. Other activities likely carried out in the regular course of business at the facility include storage of fuel and other oils, maintenance, equipment storage, and waste storage. Repair and maintenance activities carried out at the facility include, but are not limited to, electrical, plumbing, roofing, asphalt, concrete, and utilities repairs as well as janitorial duties. Possible pollutants from the Facility include pH, Oil & Grease ("O & G"), total suspended solids

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[1] "Light Industry" facilities are included in the category of "Manufacturing Facilities" defined in the Industrial Stormwater Permit as "Facilities with Standard Industrial Classifications (SICs) 20XX through 39XX, 4221 through 4225." *See*, Industrial Stormwater Permit, Attachment A, Category 2.

[2] While "Light Industry" facilities where industrial materials, equipment, or activates were not exposed to stormwater were not required to have coverage prior to July 1, 2015, under Permit No CAS000001 [State Water Resources Control Board] Water Quality Order 92-12-DWQ (as amended by Order No. 97-03-DWQ) (the "Previous Industrial Stormwater Permit"), the requirements of the Industrial Stormwater Permit as effective on July 1, 2015 now require all such facilities to obtain coverage.

[3] On April 1, 2014, the State Water Resources Control Board adopted an updated NPDES General Permit for Discharges Associated with Industrial Activity, Water Quality Order No. 2014-57-DWQ, which has taken force or effect on its effective date of July 1, 2015. As of the effective date, Water Quality Order No. 2014-57-DWQ has superseded and rescinded the Previous Industrial Stormwater Permit except for purposes of enforcement actions brought pursuant to the prior permit.

("TSS"), waste oils, lubricants, fuel, trash, debris, hazardous materials, heavy metals, and other pollutants. Stormwater from the Facility discharges, indirectly, into the Coyote Creek, whereinafter it flows into the San Gabriel River, and eventually reaches the Pacific Ocean.

B. The Affected Water

The Coyote Creek, San Gabriel River, and overall San Gabriel River Watershed are waters of the United States. The CWA requires that water bodies such as the Coyote Creek, San Gabriel River, and overall the San Gabriel River Watershed meet water quality objectives that protect specific "beneficial uses." The beneficial uses of the Coyote Creek, San Gabriel River, and overall San Gabriel River Watershed include commercial and sport fishing, estuarine habitat, fish migration, navigation, preservation of rare and endangered species, water contact and non-contact recreation, shellfish harvesting, fish spawning, and wildlife habitat. Contaminated stormwater from the Facility adversely affects the water quality of the Coyote Creek, San Gabriel River, and overall San Gabriel River Watershed, and threatens the beneficial uses and ecosystem of these watersheds, which includes habitats for threatened and endangered species.

II. THE FACILITY'S VIOLATIONS OF THE CLEAN WATER ACT

It is unlawful to discharge pollutants to waters of the United States, such as the Coyote Creek, without an NPDES permit or in violation of the terms and conditions of an NPDES permit. CWA § 301(a), 33 U.S.C. § 1311(a); *see also* CWA § 402(p), 33 U.S.C. § 1342(p) (requiring NPDES permit issuance for the discharge of stormwater associated with industrial activities). The Industrial Stormwater Permit authorizes certain discharges of stormwater, conditioned on compliance with its terms.

Information available to Personal privacy Ex. (b)(6) indicates that ESNA has not obtained coverage for stormwater discharge from the Facility under the Industrial Stormwater Permit, and therefore, stormwater discharges from the Facility have violated several terms of the Industrial Stormwater Permit and the CWA. Apart from discharges that comply with the Industrial Stormwater Permit, the Facility is in violation of the CWA every time it discharges stormwater into waters of the United States.

A. Discharges in Excess of BAT/BCT Levels

The Effluent Limitations of the Industrial Stormwater Permit prohibit the discharge of pollutants from the Facility in concentrations above the level commensurate with the application of best available technology economically achievable ("BAT") for toxic pollutants[4] and best conventional pollutant control technology ("BCT") for conventional pollutants.[5] Industrial Stormwater Permit § I(D)(32), II(D)(2). The EPA has published Benchmark values set at the maximum pollutant concentration present if an industrial facility is employing BAT and BCT, as listed in Attachment 1 to this letter.[6] These benchmark values are reiterated and incorporated into the Industrial Stormwater Permit. *See* Industrial Stormwater Permit § XI(B) Tables 1-2.

In addition, the Industrial Stormwater Permit requires dischargers to comply with Effluent Limitations "consistent with U.S. EPA's 2008 Multi Sector General Permit for Stormwater Discharges Associated with Industrial Activity (the "2008 MSGP")". *See* Industrial Stormwater Permit § I(D)(33). The

[4] BAT is defined at 40 C.F.R. § 437.1 *et seq.* Toxic pollutants are listed at 40 C.F.R. § 401.15 and include copper, lead, and zinc, among others.

[5] BCT is defined at 40 C.F.R. § 437.1 *et seq.* Conventional pollutants are listed at 40 C.F.R. § 401.16 and include BOD, TSS, oil and grease, pH, and fecal coliform.

[6] The Benchmark values are part of the EPA's Multi-Sector General Permit ("MSGP") and can be found at: http://www.epa.gov/npdes/pubs/msgp2008_finalpermit.pdf. *See* 73 Fed. Reg. 56, 572 (Sept. 29, 2008) (Final National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges From Industrial Activities).

2008 MSGP has specific numeric effluent limitations based upon Standard Industrial Classification ("SIC") codes. Furthermore, these SIC code based benchmark values are reiterated and incorporated into the Industrial Stormwater Permit. *See* Industrial Stormwater Permit § XI(B) Tables 1-2. Notably, ESNA is classified as falling under SIC Code 4222, relating to Refrigerated Warehousing and Storage, and SIC Code 4225 relating to General Warehousing Storage, requiring it to be within numerical effluent limitations for (i) pH; (ii) Oil and Grease; and (iii) Total Suspended Solids. Based on the Facility's lack of coverage under the Industrial Stormwater Permit, ESNA has not met this requirement and has been in violation of the Industrial Period since July 1, 2015.

The Facility's lack of coverage under the Industrial Stormwater Permit has resulted in ESNA failure to adequately monitor numerical pollutant discharge values for every instance of stormwater discharge since July 1, 2015. This lack of coverage and subsequent inadequate self-monitoring indicate that ESNA has failed and is failing to employ measures that constitute BAT and BCT in violation of the requirements of the Industrial Stormwater Permit.

ESNA's ongoing discharges of stormwater from the Facility without proper coverage under the Industrial Stormwater Permit and subsequent lack of monitoring of pollutant discharge values have likely led to ESNA's discharging stormwater containing levels of pollutants above EPA Benchmark values and BAT and BCT based levels of control, and further demonstrate that ESNA has not developed and implemented sufficient Best Management Practices ("BMPs") at the Facility. Proper BMPs could include, but are not limited to, moving certain pollution-generating activities under cover or indoors capturing and effectively filtering or otherwise treating all stormwater prior to discharge, frequent sweeping to reduce build-up of pollutants on-site, installing filters on downspouts and storm drains, and other similar measures.

ESNA's failure to obtain coverage for the Facility under the Industrial Stormwater Permit, and develop and/or implement adequate pollution controls to meet BAT and BCT at the Facility violates, and will continue to violate, the CWA and the Industrial Stormwater Permit each and every day ESNA's discharges stormwater without meeting BAT/BCT. [redacted] alleges that ESNA has discharged stormwater containing excessive levels of pollutants from the Facility to the Coyote Creek, and ultimately the San Gabriel River, during at least every significant local rain event over 0.1 inches since July 1, 2015.[7] Attachment 3 compiles all dates since July 1, 2015 when a significant rain event occurred. ESNA is subject to civil penalties for each violation of the Industrial Stormwater Permit and the CWA since July 1, 2015.

B. Discharges Impairing Receiving Waters

The Industrial Stormwater Permit's Discharge Prohibitions disallow stormwater discharges that cause or threaten to cause pollution, contamination, or nuisance. *See* Industrial Stormwater Permit § III. The Industrial Stormwater Permit also prohibits stormwater discharges to surface or groundwater that adversely impact human health or the environment. *See* Industrial Stormwater Permit § VI(b)-(c). Receiving Water Limitations of the Industrial Stormwater Permit prohibit stormwater discharges that cause or contribute to an exceedance of applicable Water Quality Standards ("WQS") contained in a Statewide Water Quality Control Plan or the applicable Regional Water Board's Basin Plan. *See* Industrial Stormwater Permit § VI(a). Applicable WQS are set forth in the California Toxic Rule ("CTR")[8] and Chapter 3 of the Los Angeles Region (Region 4) Water Quality Control Plan (the "Basin Plan").[9] Exceedances of WQS are violations of the Industrial Stormwater Permit, the CTR, and the Basin Plan.

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[7] Significant local rain events are reflected in the rain gauge data available at: http://www.ncdc.noaa.gov/cdo-web/search.

[8] The CTR is set forth at 40 C.F.R. § 131.38 and is explained in the Federal Register preamble accompanying the CTR promulgation set forth at 65 Fed. Reg. 31, 682 (May 18, 2000).

[9] The Basin Plan is published by the Los Angeles Regional Water Quality Control Board at: http://www.waterboards.ca.gov/losangeles/water_issues/programs/basin_plan/basin_plan_documentation.shtml.

The Basin Plan establishes Beneficial Uses for various areas of the San Gabriel River Basin, into which Stormwater discharges from the facility are likely to flow. Water quality standards are pollutant concentration levels determined by the state or federal agencies to be protective of designated Beneficial Uses. Discharges above water quality standards contribute to impairment of Receiving Waters' Beneficial Uses. Applicable water quality standards include, among others, the CTR, and water quality objectives in the Basin Plan. Industrial stormwater discharges must strictly comply with water quality standards, including those criteria listed in the applicable basin plan. *See Defenders of Wildlife v. Browner*, 191 F.3d 1159, 1166-67 (9th Cir. 1999).

The Basin Plan establishes WQS for all Inland Surface and Coastal waters of Los Angeles and Ventura Counties[10], including but not limited to the following:

- Waters shall not contain suspended or settleable material in concentrations that cause nuisance or adversely affect beneficial users.

- Waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses. Increases in natural turbidity attributable to controllable water quality factors shall not exceed 20% where natural turbidity is between 0 and 50 nephelometric turbidity units ("NTU"), and shall not exceed 10% where the natural turbidity is greater than 50 NTU.

- All waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in, human, plant, animal, or aquatic life.

- Surface waters shall not contain concentrations of chemical constituents in amounts that adversely affect any designated beneficial use.

Personal privacy Ex. (b)(6) alleges that ESNA's stormwater discharges have caused or contributed to exceedances of Receiving Water Limitations in the Industrial Stormwater Permit and the WQS set forth in the Basin Plan and CTR. These allegations are based on the Facility's lack of coverage under the Industrial Stormwater Permit and discharges of stormwater during such period. These un-covered stormwater discharges indicate that ESNA's discharges are causing or threatening to cause pollution, contamination, and/or nuisance; adversely impacting human health or the environment; and violating applicable WQS.

Personal privacy Ex. (b)(6) alleges that each day that ESNA has discharged stormwater from the Facility without appropriate coverage under the Industrial Stormwater Permit ESNA's stormwater has and/or may have contained levels of pollutants that exceeded one or more of the Receiving Water Limitations and/or applicable WQS in the Coyote Creek, San Gabriel River, and overall San Gabriel River Watershed. Personal privacy Ex. (b)(6) Personal privacy Ex. (b)(6) alleges that ESNA has discharged stormwater exceeding Receiving Water Limitations and/or WQS from the Facility to the Coyote Creek, San Gabriel River, and overall San Gabriel River Watershed during at least every significant local rain event over 0.1 inches since July 1, 2015. *See* Attachment 3. Each discharge from the Facility that violates a Receiving Water Limitation or has caused or contributed, or caused or contributes, to an exceedance of an applicable WQS constitutes a separate violation of the Industrial Stormwater Permit and the CWA ESNA is subject to penalties for each violation of the Industrial Stormwater Permit and the CWA since July 1, 2015.

[10] While the Facility itself lies within Orange County as is under the Purview of the Santa Ana Regional Water Quality Control Board, the bulk of the San Gabriel River Watershed (where stormwater discharges from the Facility flow) is located in the Los Angeles County and is under the purview of the Los Angeles Regional Water Quality Control Board's jurisdiction. Furthermore, as stated in the Basin Plan, "the Los Angeles and Santa Ana Regions share jurisdiction over watershed along their common border." *See*, Basin Plan, p. 1-12.

C. Failure to Develop and Implement an Adequate Stormwater Pollution Prevention Plan

The Industrial Stormwater Permit requires dischargers to develop and implement an adequate Storm Water Pollution Prevention Plan ("SWPPP"). *See* Industrial Stormwater Permit, § X(B). The Industrial Stormwater Permit also requires dischargers to make all necessary revisions to existing SWPPPs promptly. *See* Industrial Stormwater Permit, § X(B.

The SWPPP must include, among other requirements, the following: a site map, a list of significant materials handled and stored at the site, a description and assessment of all ESNA pollutant sources, a description of the BMPs that will reduce or prevent pollutants in stormwater discharges, specification of BMPs designed to reduce pollutant discharge to BAT and BCT levels, a comprehensive site compliance evaluation completed each reporting year, and revisions to the SWPPP within 90 days after a facility manager determines that the SWPPP is in violation of any requirements of the Industrial Stormwater Permit. *See* Industrial Stormwater Permit, § X(A).

As ESNA has failed to obtain coverage for the Facility under the Industrial Stormwater Permit, Personal privacy Ex. (b)(6) alleges and informs ESNA that it has failed to prepare and/or implement an adequate SWPPP and has therefore failed to satisfy each of the requirements of § X(A) of the Industrial Stormwater Permit.

Accordingly, ESNA has violated the CWA each and every day that it has failed to develop and/or implement an adequate SWPPP meeting all of the requirements of § X(A) of the Industrial Stormwater Permit, and ESNA will continue to be in violation every day until it obtains coverage for the Facility under the Industrial Stormwater Permit and develops and implements an adequate SWPPP. ESNA is subject to penalties for each violation of the Industrial Stormwater Permit and the CWA occurring since July 1, 2015.

D. Failure to Develop and Implement an Adequate Monitoring and Reporting Program and to Perform Annual Comprehensive Site Compliance Evaluations

The Industrial Stormwater Permit requires facility operators to develop and implement a Monitoring and Reporting Program ("MRP"). *See* Industrial Stormwater Permit, § XI. The Industrial Stormwater Permit requires that MRP ensure that each the facility's stormwater discharges comply with the Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations specified in the Industrial Stormwater Permit. *Id.* Facility operators must ensure that their MRP practices reduce or prevent pollutants in stormwater and authorized non-stormwater discharges as well as evaluate and revise their practices to meet changing conditions at the facility. *Id.* This may include revising the SWPPP as required by § X(A) of the Industrial Stormwater Permit.

The MRP must measure the effectiveness of BMPs used to prevent or reduce pollutants in stormwater and authorized non-stormwater discharges, and facility operators must revise the MRP whenever appropriate. *See* Industrial Stormwater Permit, § XI. The Industrial Stormwater Permit requires facility operators to visually observe and collect samples of stormwater discharges from all drainage areas. *Id.* Facility operators are also required to provide an explanation of monitoring methods describing how the facility's monitoring program will satisfy these objectives. *Id.*

As ESNA has failed to obtain coverage for the Facility under the Industrial Stormwater Permit, ESNA has been operating the Facility with an inadequately developed and/or inadequately implemented MRP, in violation of the substantive and procedural requirements set forth in Section B of the Industrial Stormwater permit.

Additionally, the Industrial Stormwater Permit requires dischargers to comply with Effluent Limitations "consistent with U.S. EPA's 2008 Multi Sector General Permit for Stormwater Discharges Associated with Industrial Activity (the "2008 MSGP")". The 2008 MSGP has specific numeric effluent limitations based upon Standard Industrial Classification ("SIC") codes. Furthermore, these SIC code based benchmark values are reiterated and incorporated into the Industrial Stormwater Permit. *See* Industrial

Stormwater Permit § XI(B) Tables 1-2. Notably, ESNA is classified as falling under SIC Code 4222, relating to Refrigerated Warehousing and Storage, and SIC Code 4225 relating to General Warehousing Storage, requiring it to be within numerical effluent limitations for (i) pH; (ii) Oil and Grease; and (iii) Total Suspended Solids. As previously stated, and in clear violation of the terms of the Industrial Stormwater Permit, ESNA has consistently failed to adequately monitor its stormwater discharges since July 1, 2015 due the Facility's lack of coverage under the Industrial Stormwater Permit. Therefore, ESNA has not effectively identified or responded to compliance problems at the Facility or resulted in effective revision of any such BMPs in use to address such ongoing problems as required by Industrial Stormwater Permit, § XI.

As a part of the MRP, the Industrial Stormwater Permit specifies that Facility operators shall collect a total of four (4) stormwater samples throughout an annual reporting period. Specifically the Industrial Stormwater Permit requires, "The discharger to collect and analyze samples from two (2) Qualifying Storm Events ('QSE's) within the first half of each reporting year (July 1 to December 31), and two (2) QSEs within the second half of each reporting year (January 1 to June 30)." Industrial Stormwater Permit § XI B(2). Furthermore, should facility operators fail to collect samples from the first storm event of the wet season, they are still required to collect samples from two other storm events during the wet season, and explain in the annual report why the first storm event was not sampled. *Id.* Due to ESNA's failure to obtain coverage for the Facility under the Industrial Stormwater Permit, ESNA has not conducted any stormwater sampling whatsoever since July 1, 2015.

As a result of ESNA's failure to obtain coverage for the Facility under the Industrial Stormwater Permit and its subsequent failure to adequately develop and/or implement an adequate MRP at the Facility, ESNA has been in daily and continuous violation of the Industrial Stormwater Permit and the CWA each and every day since July 1, 2015. These violations are ongoing. ESNA will continue to be in violation of the monitoring and reporting requirement each day that ESNA fails to obtain coverage under the Industrial Stormwater Permit and fails to adequately develop and/or implement an effective MRP at the Facility. ESNA is subject to penalties for each violation of the Industrial Stormwater Permit and the CWA occurring since July 1, 2015.

E. Unpermitted Discharges

Section 301(a) of the CWA prohibits the discharge of any pollutant into waters of the United States unless the discharge is authorized by a NPDES Permit issued pursuant to Section 402 of the CWA. *See* 33 U.S.C. §§ 1311(a), 1342.

Notably, ESNA has failed to obtain coverage for the Facility under the Industrial Stormwater Permit. Any discharge from an industrial facility not in compliance with the Industrial Stormwater Permit "must be either eliminated or permitted by a separate NPDES permit." Industrial Stormwater Permit, § III. Notably, as ESNA has not obtained coverage under either the Industrial Stormwater Permit or a separate NPDES, each and every discharge from the Facility described herein is in compliance with the Industrial Stormwater Permit has constituted and will continue to constitute a discharge without CWA Permit coverage in violation of section 301(a) of the CWA, 33 U.S.C. § 1311(a).

Notably, Plaintiff informs ESNA that stormwater discharges from the Facility to the Coyote Creek, San Gabriel River, and overall San Gabriel River Watershed are likely to have occurred during at least every significant local rain event over 0.1 inches since July 1, 2015, at the locations described below in Attachment 2. *See* Attachments 2, 3.

IV. PERSON RESPONSIBLE FOR THE VIOLATIONS

ENSA Enterprises, Inc. dba ESNA Logistics dba LA SARGE Warehouse and Distribution are the person(s) responsible of the violations at the Facility described above.

V. NAME AND ADDRESS OF NOTICING PARTY

[redacted]

VI. COUNSEL

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VII. REMEDIES

[redacted] intends, at the close of the 60-day notice period or thereafter, to file a citizen suit under CWA section 505(a) against ESNA for the above-referenced violations. [redacted] will seek declaratory and injunctive relief to prevent further CWA violations pursuant to CWA sections 505(a) and (d), 33 U.S.C. § 1365(a) and (d), and such other relief as permitted by law. In addition, [redacted] will seek civil penalties pursuant to CWA section 309(d), 33 U.S.C. § 1319(d), and 40 C.F.R. § 19.4, against ESNA in this action. The CWA imposes civil penalty liability of up to $51,570 per day per violation for violations occurring after November 2, 2015, and $37,500 per day per violation for violations occurring after January 12, 2009 but before November 2, 2015. 33 U.S.C. § 1319(d); 40 C.F.R. § 19.4. [redacted] will seek to recover attorneys' fees, experts' fees, and costs in accordance with CWA section 505(d), 33 U.S.C. § 1365(d).

As noted above, [redacted] Counsel are willing to meet with you during the 60-day notice period to discuss effective remedies for the violations noted in this letter. Please contact me to initiate these discussions.

Sincerely,

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ATTACHMENT 1

EPA BENCHMARKS AND WATER QUALITY STANDARDS FOR DISCHARGES TO FRESHWATER

A. EPA Benchmarks, 2008 Multi-Sector General Permit ("MSGP"); Industrial Stormwater Permit § XI(B), Tables 1-2

Parameter	Units	Benchmark Value	Source
pH	pH Units	Less than 6.0 Greater than 9.0 (Instantaneous)	2008 MSGP; Industrial Stormwater Permit § XI(B) Tables 1-2
Oil & Grease	Mg/L	25.0 (Instantaneous) 15.0 (Annual)	2008 MSGP; Industrial Stormwater Permit § XI(B) Tables 1-2
Total Suspended Solids	Mg/L	400 (Instantaneous) 100 (Annual)	2008 MSGP; Industrial Stormwater Permit § XI(B) Tables 1-2

ATTACHMENT 2

LIKELY LOCATIONS AND CONTRIBUTING FACTORS OF UNPERMITTED POLLUTANT AND STORMWATER DISCHARGE FROM ESNA'S FACILITY

The following table contains descriptions of the likely locations and contributing factors of unpermitted pollutant and stormwater discharge from ESNA's Facility.

Location	Description
Discharge Point: Driveways onto E. Valencia Dr.	The stormwater from the property flows through the parking lot, out of two driveways located on the North-West and North-East corners of the Facility, onto E. Valencia Dr., where it thereafter flows into the public sewer system drain.
Discharge Point: Driveway onto S. Acacia Blvd.	The stormwater from the property flows through the parking lot, out of the driveway located on the South-East corner of the Facility, onto S. Acacia Blvd., where it thereafter flows into public sewer system drain.
Exposed Equipment & Refuse	Large amount of exposed pallets, metal equipment, plastics, and refuse are observed on the lot are left uncovered and exposed to rainfall which sends the collected residue off of the equipment and into the public sewer system via runoff from the driveways or the drain in the parking lot.
Exposed Loading and Unloading of Large Trucks	Several large trucks were being stored, and loaded/unloaded from in the facility's parking lot uncovered and exposed to rainfall which sends the collected residue off of the equipment and into the public sewer system via runoff from the driveways or the drain in the parking lot.
Downspouts	The downspouts located around the building send stormwater from the spouts to the parking lot of the property and into the public sewer system via runoff from the driveways or the drain in the parking lot.

ATTACHMENT 3:
ALLEGED DATES OF QUALIFYING STORM EVENTS AT ESNA'S FACILITY
July 1, 2015 – August 17, 2019

Days with precipitation one-tenth of an inch or greater, as reported by NOAA's National Climatic Data Center, Station: Fullerton Municipal Airport, CA US USW00003166, when a stormwater discharge from the Facility is likely to have occurred. *See,* http://www.ncdc.noaa.gov/cdo-web/search.

2015	2016	2017	2018	2019
7/18	1/5	1/5	1/8	1/5
7/19	1/6	1/9	1/9	1/12
9/15	1/7	1/10	2/26	1/14
10/4	1/31	1/11	3/2	1/15
12/13	2/17	1/12	3/10	1/16
12/19	2/18	1/19	3/11	1/17
12/21	3/6	1/20	3/22	1/31
12/22	3/7	1/22	10/3	2/1
	3/11	2/6	10/12	2/2
	10/17	2/7	10/13	2/3
	11/20	2/10	11/22	2/4
	11/21	2/17	11/29	2/5
	11/26	3/21	12/5	2/9
	12/15	5/7	12/6	2/13
	12/16	9/3		2/14
	12/21			2/15
	12/22			2/21
	12/23			3/2
	12/30			3/6
	12/31			3/20
				5/16
				5/19
				5/22
				5/26